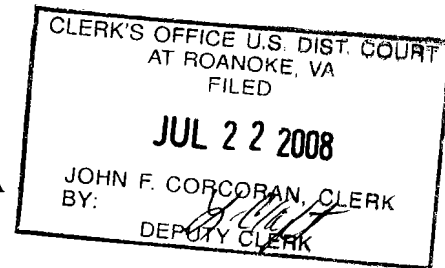


**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**



CHARLES DEMONT ROBINSON,
Petitioner,

Civil Action No. 7:08-cv-00397

v.

MEMORANDUM OPINION

BRYAN WATSON,
Respondent.

By: Hon. Glen E. Conrad
United States District Judge

Petitioner Charles Demont Robinson, Virginia inmate number 329911, has submitted to the court a pro se petition for writ of habeas corpus, pursuant to 28 U.S.C. § 2254, challenging the validity of his January 2004 conviction, in the Circuit Court for the City of Lynchburg, Virginia, for second degree murder. However, court records indicate that the petitioner has previously filed a § 2254 petition concerning the same conviction. See Robinson v. Robinson, Civil Action No. 1:07-cv-246 (E.D. Va. May 16, 2007) (dismissed as 210 days out of time; petitioner was given the opportunity to contest the application of the statute of limitations or demonstrate a basis for equitable tolling, but petitioner's response failed to make such a showing), certificate of appealability denied and appeal dismissed by Case No. 07-6888 (4th Cir. November 21, 2007). Thus, the petitioner's current petition is a subsequent one, falling under the successive petition provisions of the federal habeas statutes in 28 U.S.C. § 2244(b). Pursuant to this section, a federal district court may consider a second or successive § 2254 petition only upon specific certification from the United States Court of Appeals for the Fourth Circuit that the claims in the petition meet certain criteria. § 2244(b). Because the petitioner has not submitted any evidence that he has obtained such certification by the Court of Appeals, the court will

dismiss the petition without prejudice as successive.*

The Clerk is directed to send copies of this memorandum opinion and the accompanying order to the petitioner.

ENTER: This 22nd day of July, 2008.



United States District Judge

* A Fourth Circuit form and instructions for filing a request for certification to file a subsequent petition are available from the Fourth Circuit at the following address: Office of the Clerk, United States Court of Appeals for the Fourth Circuit, 900 E. Main St., Richmond, VA 23219.